FORM PTO-1390 (Rev. 1-98) U S DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY 'S DOCKET NUMBER J&J-1763

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
09/600500

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/AU99/00029	14 January 1999	14 January 1998

TITLE OF INVENTION
IMPROVED PRODUCTION OF RETICULINE

APPLICANT(S) FOR DO/EO/US :
Anthony J. Fist, Christopher J. Byrne, Wayne L. Gerlach, Christopher C. Sayer and Timothy S. Bailey

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.

2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.

3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).

4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.

5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
   a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
   b. ☐ has been transmitted by the International Bureau.
   c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).

6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).

7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
   a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
   b. ☐ have been transmitted by the International Bureau.
   c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
   d. ☐ have not been made and will not be made.

8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).

9. ☒ An unexecuted oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).

10. ☐ A translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.

12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

13. ☒ A FIRST preliminary amendment.
    ☐ A SECOND or SUBSEQUENT preliminary amendment.

14. ☐ A substitute specification.

15. ☐ A change of power of attorney and/or address letter.

16. ☐ Other items or information:

533 Rec'd PCT/PTO 15 JUL 2000

U.S. APPLICATION NO (if known, see 37 CFR 1 5)	INTERNATIONAL APPLICATION NO	ATTORNEY'S DOCKET NUMBER
09/600500	PCT/AU99/00029	J&J-1763

17. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... $1070.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....$970.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.455(a)(2)) paid to USPTO..... $790.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... $720.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)..... $98.00

CALCULATIONS PTO USE ONLY

ENTER APPROPRIATE BASIC FEE AMOUNT =				$ 1,070.00	
Surcharge of $130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	60 - 20 =	40	x $22.00	$880.00	
Independent claims	11 - 20 =		x $82.00	$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ $270.00	$	
TOTAL OF ABOVE CALCULATIONS =				$1,950.00	
Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28). +				$	
SUBTOTAL =				$	
Processing fee of $130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)) .				$	
TOTAL NATIONAL FEE =				$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). $40.00 per property +				$	
TOTAL FEES ENCLOSED =				$1,950.00	
				Amount to be refunded:	$
				charged:	$

a. ☐ A check in the amount of $_____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 10-0750/J&J1763/JWH in the amount of $1,950.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 10-0750/J&J1763/JWH. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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Signature

John W. Harbour
Reg. No. 31,365
Attorney for Applicants

Docket No. J&J-1763

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Anthony J. Fist, Christopher J. Byrne, Wayne L. Gerlach, Christopher C. Sayer and Timothy S. Bailey

Serial No. : Art Unit:

Filed : July 14, 2000 Examiner:

For : IMPROVED PRODUCTION OF RETICULINE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

July 14, 2000

(Date)

John W. Harbour

Name of applicant, assignee, or Registered Representative

(Signature)

July 14, 2000

(Date of Signature)

Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

Please amend the above-identified application as follows:

IN THE CLAIMS

In claim 4, line 1, replace "any one of claims 1 to 3" with --claim 1--.

In Claim 5, line 1, replace "any one of claims 1 to 3" with --claim 1--.

In claim 6, line 1, replace "any one of claims 1 to 3" with --claim 1--.

In claim 7, line 1, replace "any one of claims 1 to 3" with --claim 1--.

In claim 8, line 1, replace "any one of claims 1 to 7" with --claim 2--.

In claim 8, lines 2 and 3, please delete ", and more preferably greater than 2.5%".

In claim 9, line 3, replace "any one of claims 1 to 7" with --claim 3--.

In claim 9, lines 2 and 3, please delete ", and more preferably greater than 20%".

In claim 10, line 1, replace "any one of claims 1 to 9" with --claim 1--.

In claim 11, line 1, replace "any one of claims 1 to 9" with --claim 1--.

In claim 12, line 1, replace "any one of claims 1 to 9" with --claim 1--.

In claim 13, line 1, replace "any one of claims 1 to 9" with --claim 1--.

In claim 14, line 1, replace "any one of claims 1 to 9" with --claim 1--.

In claim 15, lines 2 and 3, replace "any one of the preceding claims" with --claim 1--.

In claim 16, lines 1 and 2, delete "according to any one of claims 1 to 14,".

In claim 22, line 1, replace "any one of claims 16 to 21" with --claim 16--.

In claim 24, lines 1 and 2, delete "according to any one of claims 1 to 14".

In claim 30, line 1, replace "any one of claims 24 to 29" with --claim 24--.

In claim 30, line 2, please delete ", and more preferably greater than 20%".

In claim 31, line 2, delete "according to any one of claims 1 to 14".

In claim 37, line 1, replace "any one of claims 31 to 36" with --claim 31--.

In claim 37, line 2, please delete ", and more preferably greater than 60%".

In claim 38, lines 1 and 2, replace "any one of claims 1 to 14" with --claim 1--.

In claim 39, lines 2-4, replace "any one of claims 1 to 14, a poppy straw according to any one of claims 16 to 23, an opium according to any of claims 24 to 30 or extracted alkaloid mixture according to any one of claims 31 to 27." with --claim 1—-.

In claim 43, lines 2 and 3, please delete ", and more preferably greater than 20%".

In claim 44, lines 2 and 3, replace "any one of claims 40 to 41" with --claim 40--.

Delete claims 47, 48 and 49 in their entirety.

In claim 52, line 1, delete "to claim 51".

In claim 53, line 1, replace "any one of claims 50 to 52" with --claim 50--.

In claim 54, line 1, replace "any one of claims 50 to 53" with --claim 50--.

In claim 55, line 1, replace "any one of claims 50 to 54" with --claim 50--.

In claim 57, line 1, delete "or claim 56".

In claim 58, line 1, replace "any one of claims 55 to 57" with --claim 56--.

In claim 59, line 1, replace "any one of claims 55 to 58" with --claim 56--.

In claim 60, line 1, replace "any one of claims 50 to 59" with --claim 51--.

Respectfully Submitted

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Date: July 14, 2000

"IMPROVED PRODUCTION OF RETICULINE"

TECHNICAL FIELD

The present invention relates to the improved production of reticuline. More particularly, the present invention relates to the use of a mutagenized *Papaver somniferum* poppy plant to produce (S)-reticuline in higher yield. The invention also relates to methods of extracting and purifying reticuline.

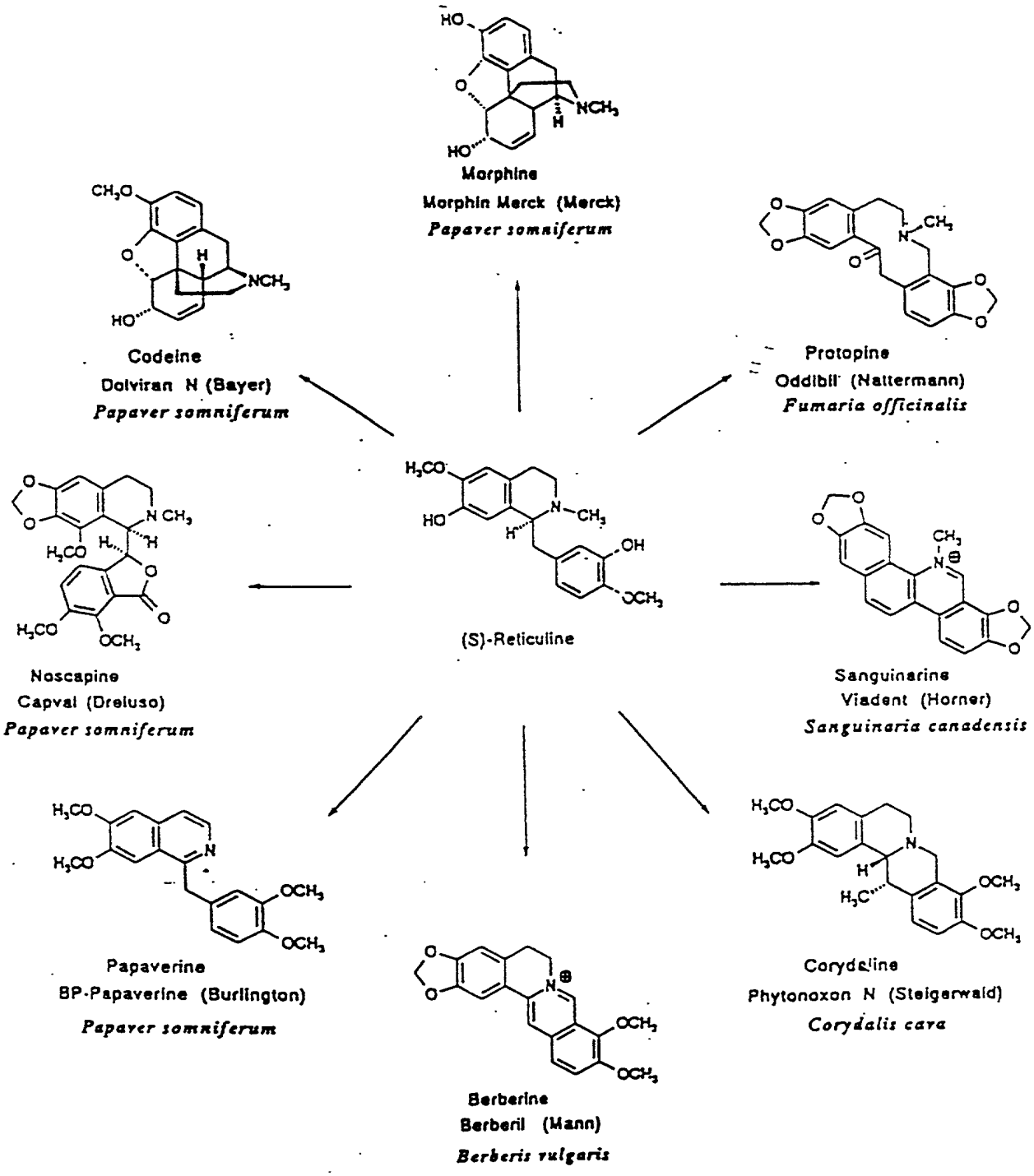
BACKGROUND OF THE INVENTION

(S)-Reticuline is an intermediate in the biosynthetic pathway leading to phenanthrene alkaloids such as codeine and morphine, phthalidisoquinoline alkaloids such as noscapine and benzylisoquinoline alkaloids such as papaverine in the *Papaver somniferum* poppy (Scheme 1). (S)-Reticuline is present in other plants, such as *Eschscholzia californica*, *Corydalis cava*, *Fumaria officinalis*, *Berberis vulgaris* and *Sanguinaria canadensis*, and has been identified as a precursor of protopine, benzo[c]phenanthridine alkaloids such as sanguinarine, protoberberine alkaloids such as corydaline and berberine itself.

These compounds are pharmaceutically useful, for example, the analgesic properties and commercial value of codeine and morphine require little introduction. Noscapine is a useful antitussive compound. Papaverine is a smooth muscle relaxant and a cerebral vasodilator. Berberine has been used as an antibacterial, antimalarial and antipyretic compound.

As well as being an important precursor for numerous pharmaceutical products, (S)-reticuline has recently been shown to accelerate hair growth in cultured hair cells (Biol. Pharm. Bull., 20(5) 586-588 (1997)).

SCHEME 1


Morphine
Morphin Merck (Merck)
Papaver somniferum
Codeine
Dolviran N (Bayer)
Papaver somniferum
Protopine
Oddibil (Nattermann)
Fumaria officinalis
(S)-Reticuline
Noscapine
Capval (Dreluso)
Papaver somniferum
Sanguinarine
Viadent (Horner)
Sanguinaria canadensis
Papaverine
BP-Papaverine (Burlington)
Papaver somniferum
Berberine
Berberil (Mann)
Berberis vulgaris
Corydaline
Phytonoxon N (Steigerwald)
Corydalis cava

(±)-Reticuline has been synthesised, by a lengthy and difficult synthesis (Tomita, M. and Kikkawa, I., Pharm Bull Japan, 4, 230 (1956), Chem Abs, 51, 8116 (1957) and Gopinath K .W., Govindachari, T.R., and Viswanathan N, Ber, 92, 1657 (1959)).

The synthesis of the (S) form has also been reported by Konda et al, Chem Pharm Bull, 23, 1063 (1975). Whilst effective, the difficulty of the totally synthetic route is that only small quantities of the compound are available after a long and costly synthesis. Thus, total synthesis is undesirable as a means of making substantial quantities of (S)-reticuline.

A second reason for the limited availability and high cost of (S)-reticuline is that it is present in source plants at very low concentrations. For instance it is found in commercial poppy straw at 0.04%, and it is present in the opium of *Papaver somniferum* in trace amounts (Brochman-Hanssen, E. and Furaya, T., Planta Med. 12, 328 (1964)). Due to the low concentrations of (S)-reticuline in the various plant sources, there is at present no commercial source of (S)-reticuline.

(S)-Reticuline has been isolated from opium by conventional but lengthy extraction procedures. The initial step involves the mixing of powdered opium with a cationic exchange resin in hot water. The alkaloids adsorb to the ion exchange resin and the non polar fractions which are not of interest are removed by washing. The alkaloid fractions are removed by elution with methanol and can be extracted into organic solvents, such as chloroform, by using controlled acid/base extractions: for example, see the work by Brochmann-Hanssen and Furuya, 1964, Planta Med. 12, 328 and references cited therein.

Such an extraction process is expensive and involve considerable losses of opium derived material. The yield of (S)-reticuline from opium is low, Brochmann-Hanssen and Furuya reporting that it represents about 0.15% of the total opium mass. These factors all combine to render (S)-reticuline extraction from opium commercially unattractive.

Alkaloids are extracted from the poppy capsules of *Papaver somniferum* by two commercial methods. In one method, the immature capsule is cut and the latex collected from the wound and air dried to produce opium. In a second method, the mature poppy capsules and the poppy capsule stems are collected, and threshed to remove the seeds

and form a straw. When necessary, the straw is dried to a water content below 16%. Solvent or water extraction is employed to remove the alkaloids from the straw.

Where solvent, water or super critical fluid, such as CO_2, extraction is employed to remove the phenanthrene alkaloids from the straw, such method, as practiced, involves the production of "Concentrate of Poppy Straw". Concentrate of poppy straw has been defined as "The material arising when poppy straw has entered into a process for the concentration of its alkaloids, when such material is made available in trade (Multilingual Dictionary of Narcotic Drugs and Psychotropic Substances Under International Control, United Nations, New York, 1983). Concentrate of poppy straw is also defined as "the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy" 45 U.S. Federal Register 77466, November 24, 1980. For the purposes of the present specification, the term "extracted alkaloid mixture" will be used to define the crude extract extracted from poppy straw, which may contain benzylisoquinoline alkaloids, phthalidisoquinoline alkaloids and/or phenanthrene alkaloids. The "extracted alkaloid mixture" is taken to mean the crude extract of poppy straw in either liquid solid or powder form. When in liquid form, the liquid is preferably concentrated before entering commerce. The generally preferred extracted alkaloid mixture is the powder form which results form simply removing the solvent or water following extraction of the poppy straw.

As the synthesis of (S)-reticuline is economically impractical, and extraction from natural sources is low yielding and requires extensive purification, it would be desirable to increase production by increasing the amount of (S)-reticuline produced by a plant.

It is also desirable to increase the ratio of (S)-reticuline to phenanthrene-type alkaloids in the plant and the plant products. Phenanthrene alkaloids are those incorporating the phenanthrene ring system into their structure. Morphine, codeine, thebaine and oripavine are examples of such a phenanthrene type alkaloid. Reticuline however does not include this structural element but instead is based on benzyl-isoquinoline as its major structural element.

Surprisingly, the present inventors have found a method of increasing (S)-reticuline production and the (S)-reticuline to phenanthrene alkaloid ratio by modifying *Papaver somniferum*.

It is an object of the present invention to provide a commercially viable alternative to the methods in the prior art.

It will be understood by a skilled addressee that the present invention, whilst exemplified in relation to *Papaver somniferum*, would be equally applicable to other plants in which (S)-reticuline is present, such as *Eschscholzia californica*, *Corydalis cava*, *Fumaria officinalis*, *Berberis vulgaris* and *Sanguinaria canadensis*.

In the context of the present invention, the term "opium" is taken to include material which is obtained from a modified *Papaver somniferum* in a similar fashion to that used to obtain opium (as conventionally defined) from a non-modified plant.

SUMMARY OF THE INVENTION

In a first aspect the invention provides a stably reproducing *Papaver somniferum* having a higher (S)-reticuline than morphine content.

In a second aspect the invention provides a stably reproducing *Papaver somniferum*, which upon the harvesting of the poppy capsules will yield a poppy straw having a higher (S)-reticuline than morphine content.

In a third aspect the invention provides a stably reproducing *Papaver somniferum*, which upon the collection and drying of the latex from the immature poppy capsules will yield an opium having a higher (S)-reticuline than morphine content.

In a preferred embodiment the production or activity of (S)-reticuline oxidase in the stably reproducing *Papaver somniferum* is inhibited, with the result that upon harvesting the poppy capsules will yield a poppy straw, or upon the collection and drying of the latex from the immature poppy capsules will yield an opium, having a higher (S)-reticuline than morphine content.

In another preferred embodiment the production or activity of dehydroreticuline reductase in the stably reproducing *Papaver somniferum* is inhibited, with the result that upon harvesting the poppy capsules will yield a poppy straw or upon the collection and drying of the latex from the immature poppy capsules will yield an opium, having a higher (S)-reticuline than morphine content.

In yet another preferred embodiment the production or activity of berberine bridge enzyme (BBE) in the stably reproducing *Papaver somniferum* is inhibited, with the result that upon harvesting the poppy capsules will yield a poppy straw, or upon the

collection and drying of the latex from the immature poppy capsules will yield an opium, having a higher (S)-reticuline than morphine content.

In a further preferred embodiment the production or activity of two or more enzymes in a stably reproducing *Papaver somniferum*, selected from the group comprising: (S)-reticuline oxidase, dehydroreticuline reductase or berberine bridge enzyme (BBE), are inhibited with the result that upon harvesting the poppy capsules will yield a poppy straw, or upon the collection and drying of the latex from the immature poppy capsules will yield an opium, having a higher (S)-reticuline than morphine content.

Preferably, such stably reproducing *Papaver somniferum* yield a poppy straw having an (S)-reticuline content greater than 1.0%, and more preferably greater than 2.5%.

Preferably, such stably reproducing *Papaver somniferum* yield opium having an (S)-reticuline content greater than 10%, and more preferably greater than 20%.

Preferably, such stably reproducing *Papaver somniferum* yields an extracted alkaloid mixture having an (S)-reticuline content greater than 30%, and more preferably greater than 60%.

Also preferred is a stably reproducing *Papaver somniferum* which upon the harvesting of the poppy capsules will yield a poppy straw, an opium or an extracted alkaloid mixture having an (S)-reticuline to phenanthrene alkaloid ratio of about 100% or greater. More preferred is a ratio of 200% or greater, even more preferred is a ratio of 1250% or greater and highly preferred is a ratio of about 2500%. In yet another preferred embodiment a stably reproducing *Papaver somniferum,* upon the harvesting of the poppy capsules will yield a poppy straw, an opium or an extracted alkaloid mixture having substantially no phenanthrene alkaloid content.

According to a fourth aspect the invention provides a seed yielding a stably reproducing *Papaver somniferum* according to any one of the preceding aspects.

According to a fifth aspect the invention provides poppy straw of a stably reproducing *Papaver somniferum*, the threshed straw having a higher (S)-reticuline than morphine content. Preferably, the poppy straw has an (S)-reticuline content greater than 1.0%, more preferably greater than 2.0%, even more preferably the (S)-reticuline content is about 3-4%.

Also preferred is poppy straw having (S)-reticuline to phenanthrene alkaloid ratio of 100% or greater by weight. More preferred is a ratio of 200% or greater by weight, even more preferred is a ratio of 1250% or greater by weight and highly preferred is a ratio of about 2500%. In a further preferred embodiment the poppy straw has substantially no phenanthrene alkaloid content.

According to a sixth aspect the invention provides opium of a stably reproducing *Papaver somniferum*, the opium having a higher (S)-reticuline than morphine content. Preferably, the opium has an (S)-reticuline content greater than 10% and more preferably greater than 20%.

Also preferred is opium having (S)-reticuline to phenanthrene alkaloid ratio of 100% or greater by weight. More preferred is a ratio of 200% or greater by weight, even more preferred is a ratio of 1250% or greater by weight and highly preferred is a ratio of about 2500%. In a further preferred embodiment the opium has substantially no phenanthrene alkaloid content.

According to a seventh aspect the invention provides an extracted alkaloid mixture of a stably reproducing *Papaver somniferum*, the extracted alkaloid mixture having a higher (S)-reticuline than morphine content. Preferably, the extracted alkaloid mixture has an (S)-reticuline content greater than 30% and more preferably greater than 60%.

Also preferred is an extracted alkaloid mixture having (S)-reticuline to phenanthrene alkaloid ratio of 100% or greater by weight. More preferred is a ratio of 200% or greater by weight, even more preferred is a ratio of 1250% or greater by weight and highly preferred is a ratio of about 2500%. In a further preferred embodiment the extracted alkaloid mixture has substantially no phenanthrene alkaloid content.

According to an eighth aspect the invention provides a stand of a stably reproducing *Papaver somniferum* according to any one of the previous aspects.

According to a ninth aspect the invention provides (S)-reticuline when obtained from a stably reproducing *Papaver somniferum*, the poppy straw, the opium or an extracted alkaloid mixture , according to any one of the previous aspects.

According to a tenth aspect the invention provides a method for the production of (S)-reticuline which comprises the steps of:

a) harvesting poppy capsules of a stably reproducing *Papaver somniferum* to produce a straw having a higher (S)-reticuline than morphine content, and

b) chemically extracting the (S)-reticuline from the straw.

According to an eleventh aspect the invention provides a method for the production of (S)-reticuline which comprises the steps of:

a) collecting and drying the latex of the immature poppy capsules of a stably reproducing *Papaver somniferum* to produce opium having a higher (S)-reticuline than morphine content, and

b) chemically extracting the (S)-reticuline from the opium.

Preferably, in such methods, stably reproducing *Papaver somniferum* yield a poppy straw having an (S)-reticuline content greater than 1.0%, more preferably greater than 2.0%, even more preferably the (S)-reticuline content is about 3-4%.

Preferably, in such methods stably reproducing *Papaver somniferum* yield an opium having an (S)-reticuline content greater than 10%, and more preferably greater than 20%.

The invention also consists in (S)-reticuline when obtained by any of the forgoing processes.

According to a twelfth aspect the invention provides a method to improve the (S)-reticuline yield of a stably reproducing *Papaver somniferum*, the method comprising the steps of:

a) exposing at least one poppy seed of *Papaver somniferum* to a mutagenizing agent,

b) growing the at least one poppy seed to produce a plant bearing a leaf or an immature poppy capsule, optionally through multiple self fertilized generations,

c) sampling the leaf or poppy capsule for the presence of (S)-reticuline, morphine and codeine, and

d) repeating steps a) to c) until a poppy plant of *Papaver somniferum* is obtained having a higher (S)-reticuline than morphine content as an expressed, stable heritable trait.

have been deposited under the Budapest Treaty with The American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852, United States of America on 1 September 1998, under Accession No. PTA-206, and will be made available upon the maturation of this application into a patent. The availability of these seeds is not to be construed as a license to practice this invention in contravention of rights granted under the authority of any government in accordance with its patent or breeder's rights laws.

Methods of seed mutagenesis as well as mutagens suitable for use in these methods, such as, ethyl methanesulfonate (EMS), are described in the Manual on Mutation Breeding, 2nd ed., I.A.E.A., Vienna 1977 or in Plant Breeding, Principles and Prospects, Chapman and Hall, London 1993. For X-ray mutagenized seeds, hydrated seeds might be treated with 20,000 rads, (30cm from the source for 45 minutes using a filter). X-ray mutagenesis is described and compared to EMS mutagenesis by Filippetti, A. et al., "Improvement of Seed Yield in Vici Baba L. By Using Experimental Mutagenesis II Comparison of Gamma-Radiation and Ethyl-MethaneSulphonate (EMS) in Production of Morphological Mutants", Euphytica 35 (1986) 49-59. DEB, diepoxybutane, mutagenized seeds might be obtained by soaking the seeds in water overnight, then soaking in 22mM DEB for 4 hours, followed by extensive washing. Further mutagens include ethyl-2-chloroethyl sulphide, 2-chloroethyl-dimethylamine, ethylene oxide, ethyleneimine, dimethyl sulphonate, diethyl sulphonate, propane sulphone, beta-propiolactone, diazomethane, N-methyl-N-nitrosourethane, acridine orange and sodium azide. The preferred mutagen employed herein is EMS.

Mutagenesis utilizing EMS is well described in the literature. The Manual on Mutation Breeding, supra, reports a preferred EMS mutagenesis process for barley seeds as practiced by K. Mikaelson. In this preferred process, the seeds are prepared, pre-soaked, treated with the mutagen and post-washed.

In the preparation, uniform size seeds are selected and placed in mesh polyethylene bags, about 200 seeds. Subsequently, the seeds are kept in a dessicator over a 60% glycerol solution, which gives the seeds a moisture content of about 13%. In pre-soak, the seed bags are transferred to beakers with distilled or deionized water and soaked for 16 - 20 hours at a temperature of 20 - 22°C. The pre-soak period is important to the uptake or diffusion of mutagen. The pre-soak should be sufficient to promote diffusion of the mutagen into the seed and at the same time stimulate the embryo

have been deposited under the Budapest Treaty with The American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852, United States of America on ....., under Accession No. ....., and will be made available upon the maturation of this application into a patent. The availability of these seeds is not to be construed as a license to practice this invention in contravention of rights granted under the authority of any government in accordance with its patent or breeder's rights laws.

Methods of seed mutagenesis as well as mutagens suitable for use in these methods, such as, ethyl methanesulfonate (EMS), are described in the Manual on Mutation Breeding, 2nd ed., l.A.E.A., Vienna 1977 or in Plant Breeding, Principles and Prospects, Chapman and Hall, London 1993. For X-ray mutagenized seeds, hydrated seeds might be treated with 20,000 rads, (30cm from the source for 45 minutes using a filter). X-ray mutagenesis is described and compared to EMS mutagenesis by Filippetti, A. et al., "Improvement of Seed Yield in Vici Baba L. By Using Experimental Mutagenesis II Comparison of Gamma-Radiation and Ethyl-MethaneSulphonate (EMS) in Production of Morphological Mutants", Euphytica 35 (1986) 49-59. DEB, diepoxybutane, mutagenized seeds might be obtained by soaking the seeds in water overnight, then soaking in 22mM DEB for 4 hours, followed by extensive washing. Further mutagens include ethyl-2-chloroethyl sulphide, 2-chloroethyl-dimethylamine, ethylene oxide, ethyleneimine, dimethyl sulphonate, diethyl sulphonate, propane sulphone, beta-propiolactone, diazomethane, N-methyl-N-nitrosourethane, acridine orange and sodium azide. The preferred mutagen employed herein is EMS.

Mutagenesis utilizing EMS is well described in the literature. The Manual on Mutation Breeding, supra, reports a preferred EMS mutagenesis process for barley seeds as practiced by K. Mikaelson. In this preferred process, the seeds are prepared, pre-soaked, treated with the mutagen and post-washed.

In the preparation, uniform size seeds are selected and placed in mesh polyethylene bags, about 200 seeds. Subsequently, the seeds are kept in a dessicator over a 60% glycerol solution, which gives the seeds a moisture content of about 13%. In pre-soak, the seed bags are transferred to beakers with distilled or deionized water and soaked for 16 - 20 hours at a temperature of 20 - 22°C. The pre-soak period is important to the uptake or diffusion of mutagen. The pre-soak should be sufficient to promote diffusion of the mutagen into the seed and at the same time stimulate the embryo

meristem tissue to start DNA synthesis. It is at this point that high mutation frequency can be achieved with minimal chromosome damage. To treat with the mutagen, the seed bags are transferred to beakers containing a solution of EMS in distilled or deionized water. For barley and wheat, the maximal mutation frequencies are obtained under treatment conditions where the EMS concentration is 0.05 - 0.1 M, the bath temperature is 30 - 35°C, and the exposure time of the seeds to the bath is 0.5 - 2 hours. Relatively weak treatments are preferred in mass screening to achieve maximal mutation with minimal physiological damage. Such treatments give better germinability and survival, less plant growth reduction and less sterility compared with stronger treatments. A thorough post-wash in water after the EMS treatment is essential. This post-wash can be carried out in running tap water, preferably at not less than 15°C, for a period of not less than 4 hours. The EMS should be removed by the post-wash in order to prevent uncontrollable after-effects by the mutagen. After post-washing, the seeds should be planted as soon as possible. If the seeds cannot be planted soon after the mutagenesis process, they should be immediately dried back to a moisture content of about 13%. This can be accomplished by simply air drying the seeds at room temperature and a reasonably low relative humidity.

Persons skilled in the art will recognize that this preferred mutagenesis method for barley and wheat seeds can be easily modified for poppy seeds. In the case of poppy seeds, it has been found useful and convenient by the inventors hereof to dispense with dessication, to extend the time of pre-soak to up to 48 hours and to lower the bath temperature of mutagen treatment to 20°C. Other modifications will be apparent to skilled practitioners.

After the seeds have been exposed to the mutagen, the seeds are grown to maturity in controlled conditions and self-pollinated. The seeds from the mature plant are taken and at least one seed is planted to grow an M2 generation. The M2 generation is screened for alkaloid production. Of course, it is possible to screen the M1 generation, but there are several advantages to screening the M2 generation. Firstly, screening the M2 generation insures that the trait resulting from mutagenesis can be inherited.

Secondly, by growing the M2 generation, the basic hardiness of the plant is proven before screening. Thirdly, traits resulting from mutagenesis are generally inherited as recessive genes, and these will be homozygous in the M2 generation, i.e.,

they will not be masked by a dominant gene. The M2 plants can be grown to produce an immature capsule, but it is possible to save time and labor if the plant is screened at an earlier stage of growth. It is recommended that the plants be screened at a point beginning at the 10 leaf stage, up to the "running-up" stage, where the plant reaches about 15 cm in height. The screening process itself is the most labor intensive. Thus, to improve return on labor, only plants that appear healthy should be screened.

In the screening process, the objective is to measure each plant for alkaloids such as morphine, codeine, oripavine, thebaine, noscapine, papaverine and any other alkaloids which might occur as a result of blockage to one or more metabolic pathways, such as (S)-reticuline. The trait of a high (S)-reticuline content relative to other alkaloids is highly desirable, and once established is highly heritable. This can be accomplished by extracting, for example, a dry leaf into a liquid buffer or by dissolving a latex sample into a buffer. The buffer solutions are placed in glass vials and loaded into 96-place carousels and fed mechanically through any of the high-throughput HPLCs available on the market.

Plants with unusual alkaloid contents are grown further and examined in more detail. According to procedure herein, a second sample is taken from about 1/20 plants to clarify the results of the initial screen.

As stated above, there is obtained by the present invention, a threshed poppy straw or opium having an (S)-reticuline content higher than that observed in native plants. Preferably, there is substantially no codeine, morphine, thebaine or other phenanthrene alkaloid in the alkaloid combination.

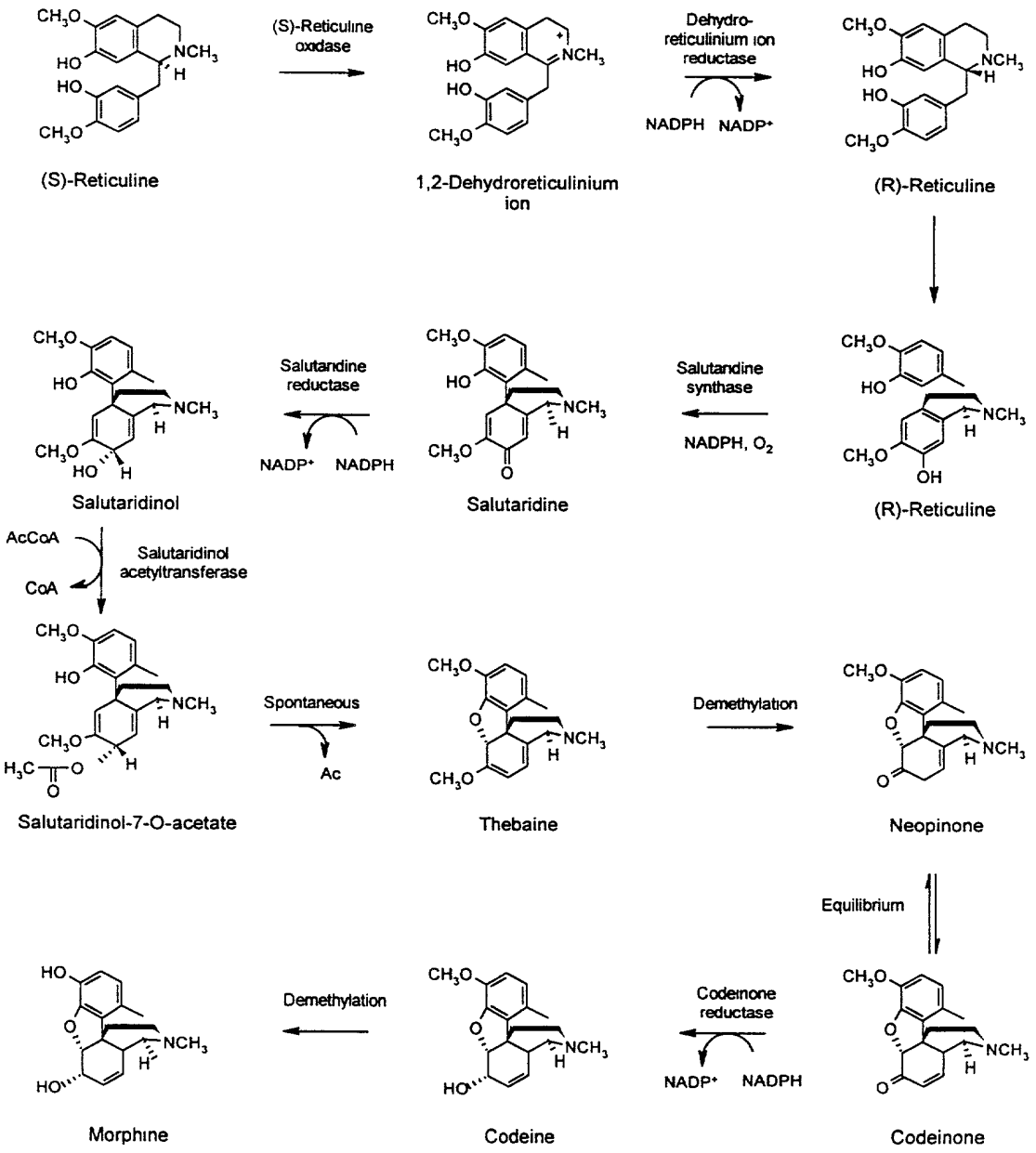
The desired traits, i.e. high (S)-reticuline content versus phenanthrene alkaloid content, once established are highly heritable. To maintain the desired traits, care should be taken to prevent cross-pollination with normal plants unless such cross-pollination is part of a controlled breeding program.

The theory whereby mutagenesis has been found to be capable of raising the (S)-reticuline content of *Papaver somniferum* relative to the phenanthrene alkaloid content is not capable of a certain or definite explanation at this time. The mutagenesis may have resulted in the modification of certain enzyme activity in a qualitative or quantitative manner. Alternatively, the mutagenesis might have modified the biosynthesis pathway in any number of ways to minimize the production of morphine

and codeine. Despite the fact that definite answers are not now available, there are good reasons to believe that the correct answer is known.

A postulated biosynthetic pathway in *Papaver somniferum* via (S)-reticuline to morphine is shown in Scheme 2 below.

SCHEME 2



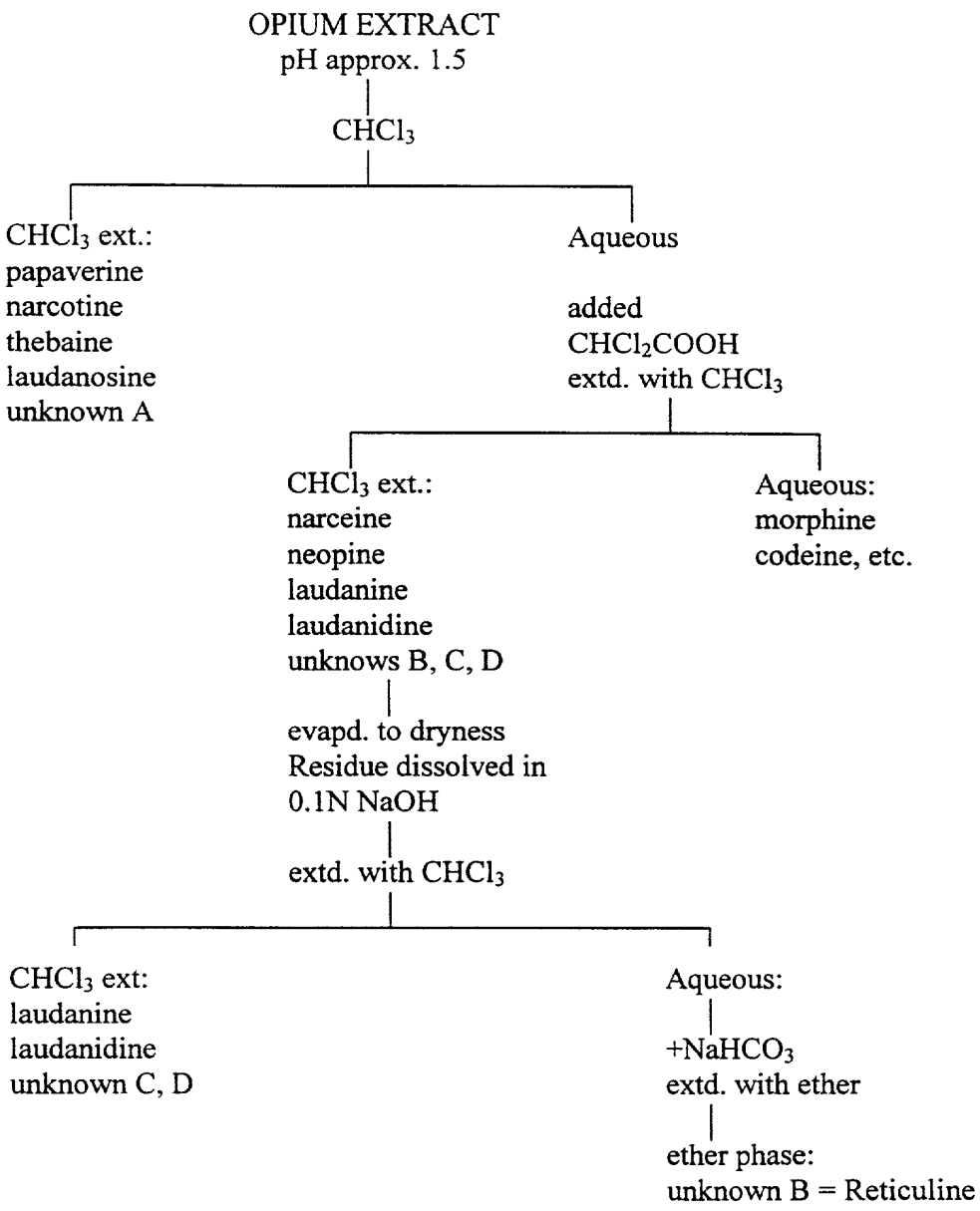
By the methods herein, a variety of *Papaver somniferum* was obtained having a high (S)-reticuline content and substantially no thebaine, codeine or morphine. Thus, it is believed, for the *Papaver somniferum* variety described herein, that the production or activity of (S)-reticuline oxidase has been substantially inhibited, resulting in a buildup of (S)-reticuline and less material following the biosynthetic pathway to its endpoint, i.e. morphine. It is also possible that the production or activity of dehydroreticuline reductase has been inhibited. By feedback inhibition through 1,2-dehydroreticuline, this would lead to an accumulation of (S)-reticuline.

It is also possible that stably reproducing *Papaver somniferum* in accordance with the present invention may also be obtained by recombinant DNA techniques. In particular, after isolation and sequencing of the gene coding for (S)-reticuline oxidase, the gene or the mRNA transcript may be modified, deleted or blocked to inhibit or prevent the production of (S)-reticuline oxidase. Techniques for modifying or deleting specific regions of DNA sequences or blocking mRNA are well known to those skilled in the art.

It would also be possible to accumulate (S)-reticuline in other species by blocking particular enzymes. For example, in Berberis species, the berberine bridge enzyme could be blocked either using mutagenesis (as demonstrated here) or through recombinant DNA techniques.

Recovering (S)-reticuline from either the dried straw or from the opium of *Papaver somniferum* is a process well established in the art. A schematic diagram (Scheme 3) is shown outlining the process of (S)-reticuline extraction from the alkaloid containing extract of opium. This procedure was outlined by Brochmann-Hanssen and Furuya (Planta Med. 12, 328-333). Methods of obtaining of a highly acidic (pH 1.5) opium extract are well known in the art. Those skilled in the art will appreciate that presently there are a number of suitable starting materials for such extractions depending on the industrial process being used, and that Scheme 3 provides one example only.

SCHEME 3


OPIUM EXTRACT
pH approx. 1.5
$CHCl_3$
$CHCl_3$ ext.:
papaverine
narcotine
thebaine
laudanosine
unknown A
Aqueous
added
$CHCl_2COOH$
extd. with $CHCl_3$
$CHCl_3$ ext.:
narceine
neopine
laudanine
laudanidine
unknows B, C, D
Aqueous:
morphine
codeine, etc.
evapd. to dryness
Residue dissolved in
0.1N NaOH
extd. with $CHCl_3$
$CHCl_3$ ext:
laudanine
laudanidine
unknown C, D
Aqueous:
$+NaHCO_3$
extd. with ether
ether phase:
unknown B = Reticuline

EXAMPLES

Example 1. Mutation

Seeds of *Papaver somniferum* were obtained of about uniform size, dried to about 8% LOD (loss on drying) and placed in a mesh polyethylene bag at a weight of about 5 grams or about 12,500 per bag. The seeds were pre-soaked in beakers of distilled water containing a phosphate buffer at room temperature for about 36 hours. The seeds were given a further presoaking in cold 0.3% v/v (~0.028 M) ethyl methanesulphonate (EMS). Immediately after pre-soak, the seed bags were immersed in a mutagen bath containing 0.3% v/v (~0.028 M) ethyl methanesulphonate (EMS) at 20°C for 6 hours. Immediately following the mutagen bath, the seed bags were post-washed in running tap water. Following post-wash, the seeds were kept moist and planted within one hour.

Example 2. Propagation

The seeds were planted in outdoor plots and grown to maturity. The planting technique employed was in all respects normal for poppy trial work, and similar to commercial poppy growing. The seeds were sown using a "cone seeder" or trial plot drill. Seed depth was about 1 cm. Fertiliser containing N, P and K was used. The plots were irrigated immediately after sowing. The poppy flowers were self-pollinated and the majority of the flowers were covered with paper bags of bleached white "kraft" paper to prevent cross pollination. Seeds were harvested from those M1 generation plants which grew vigorously and appeared healthy. A second, M2, generation was grown from the harvested seeds. These seeds were planted in trays containing 200 plants. When the M2 plants were between the 10 leaf stage and the "running-up" stage, about 15 cm high, they were screened for alkaloid content using a rapid HPLC technique.

Example 3. Screening

The screening process was basically a three step process. In the first step, a leaf was cut from an M2 plant and about 0.5 μL of latex was collected at the wound. The latex was diluted in a microcentrifuge tube with 250 μL of buffer. The buffer contained 0.2 M ammonium phosphate, 20% ethanol, and had a pH of 4.5. The microcentrifuge tube was briefly held to a vortex shaker to ensure mixing. In the second step, the buffered solution was centrifuged to substantially eliminate suspended solids and about

200 μL was decanted into a 40 mm x 8 mm autoanalyser tube. Additional buffer, 250 μL, was added to each autoanalyser tube so that the sampling needle of the autoanalyser could reach the solution. In the third step, the autoanalyser tubes were loaded into a 96 place carousel inserted into the auto injector module of a Waters HPLC system. The HPLC mobile phase was aqueous methanol (approximately 30%) containing ammonium acetate buffer (0.08-0.12 M), pH 4-5. The flow rate of the mobile phase was 0.8-1.5 mL/minute. A Whatman Partisphere SCX column (4.6 x 125 mm) was used at a temperature of 40°C. A Waters 440 UV detector was used to detect the peaks at 254 nm. The data was interpreted and collated on a Waters Millennium Data Station. The system was used to analyse for alkaloids.

Two plants E40 and E41, were screened and the latex was found to be morphine and thebaine free and contained a peak later identified as (S)-reticuline. The two plants were combined and about 0.15 g of straw was harvested and analysed. The (S)-reticuline content was 3.3%, with 0.007% thebaine. The reticuline was identified by circular dichroism as (S)-reticuline.

A descendant generation was grown in the field. The plants grew well, but two distinct types of plant were observed at the green capsule stage, those having white latex (E40/41W) and those having red latex (E40/41 R). From the variety with white latex was harvested 50.7 g of straw containing 3.88% (S)-reticuline and 0.78% codeine (or codeine-like alkaloids). The variety with red latex was observed to have 2.51% (S)-reticuline and zero codeine.

Example 4. Extraction

An acidic extract (pH 1.5) of opium or extracted alkaloid mixture, is obtained in the usual manner. This acidic fraction is extracted with chloroform, which removes a number of alkaloids including papaverine, narcotine, thebaine and laudanosine, where present. The acidic aqueous phase is then treated with dichloroacetic acid and further extracted with chloroform. Morphine and codeine, where present, remain in the aqueous phase but a number of alkaloids, including (S)-reticuline, partition into the organic phase. The organic phase is subsequently evaporated to dryness and the residue dissolved in 0.1 M NaOH. Laudanine and laudanidine partition into the chloroform

layer. The aqueous layer is treated with sodium bicarbonate and the resultant aqueous layer extracted with ether. The ether layer is found to contain (S)-reticuline.

Example 5. Analysis

A HPLC trace of an E40R/41R extract is shown in Fig 1. The extract alone is the bottom trace, while the top trace is an solution containing extract and standards. (S)-reticuline is shown as having a retention time of about 16 minutes.

Example 6. Calculation

Phenanthrene alkaloids are those incorporating the phenanthrene ring system into their structure. Morphine is an example of such a phenanthrene type alkaloid. Reticuline however does not include this in its structure but has the "benzyl-isoquinoline" structure as its major structural element.

In the threshed straw of commercial poppies grown in Australia, (S)-reticuline constitutes no more than 0.04%, and the sum of all the phenanthrene alkaloids (morphine, codeine, thebaine and oripavine) is of the order of 1.2-2.7%, depending on the variety grown and factors such as crop nutrition and rainfall received.

Thus, 0.04/2.0 x 100 = 2%

In the reticuline poppies, the concentration of (S)-reticuline in the threshed poppy straw is about 2.5%, whereas the concentration of the sum of the phenanthrene alkaloids is at best 0.1%.

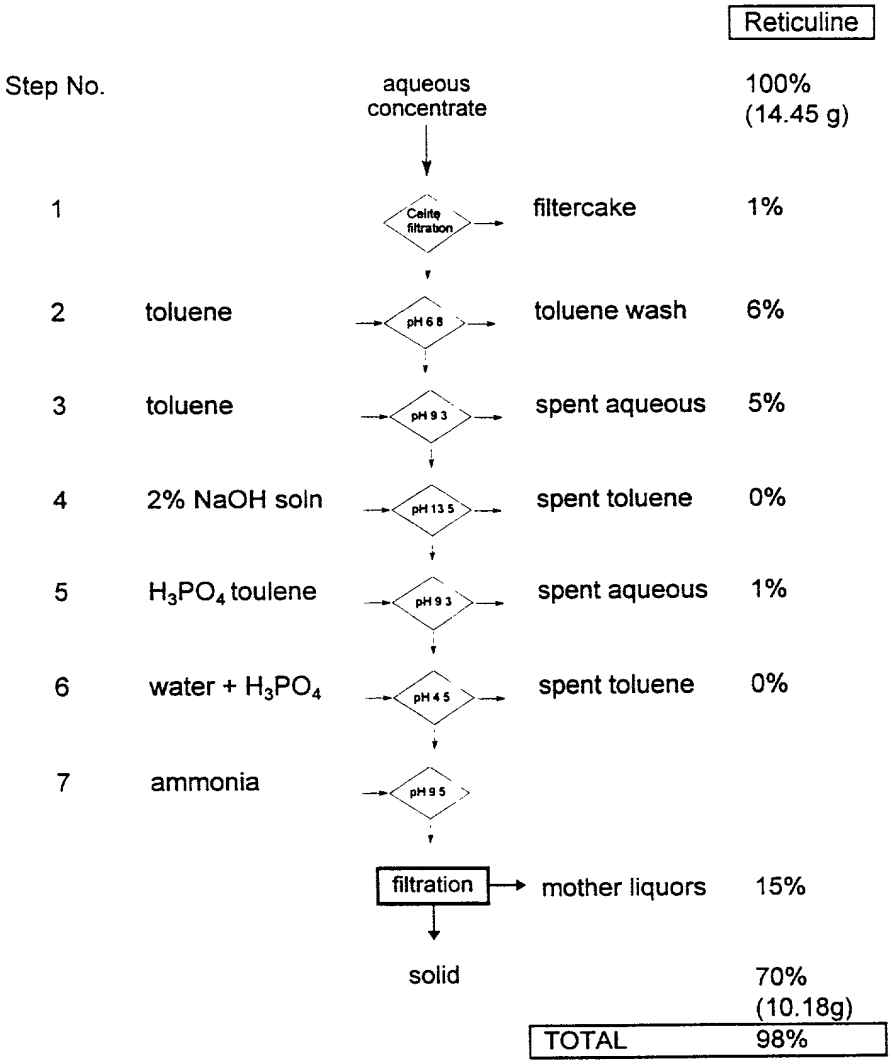
Thus, the percentage ratio is 2.5/0.1 x 100 = 2500%

Example 7: Improved procedure for extraction of reticuline

An improved process for the isolation of crude reticuline was developed to generate an aqueous concentrate from poppy straw. The process was then optimised to obtain a product of improved purity.

The process flowchart with mass balances is represented in Scheme 4 below.

SCHEME 4


Reticuline
Step No.
aqueous concentrate
100% (14.45 g)
1
Celite filtration
filtercake
1%
2
toluene
pH 6.8
toluene wash
6%
3
toluene
pH 9.3
spent aqueous
5%
4
2% NaOH soln
pH 13.5
spent toluene
0%
5
H_3PO_4 toulene
pH 9.3
spent aqueous
1%
6
water + H_3PO_4
pH 4.5
spent toluene
0%
7
ammonia
pH 9.5
filtration
mother liquors
15%
solid
70% (10.18g)
TOTAL
98%

1. Concentrate Preparation

The dried ground straw was extracted with 80% ethanol at pH 4.5 (with acetic acid), and the resultant rich miscella was concentrated 8 fold under vacuum at 50°C. This miscella was produced batchwise by extracting straw in 100 gram lots with 1.0 litre of solvent and 50 mLs acid for 30 minutes at 40°C. Extraction efficiency was improved by using two countercurrent extractions. The miscella was adjusted to pH 6.0 with ammonia (~30%w/w) prior to concentration by Buchi Rotavap, and the aqueous concentrate was filtered through a Celite bed.

2. Caustic Extraction of Toluene Solution

A toluene wash at pH 6.8, to remove levels of impurities, was applied to the concentrate prior to toluene extraction at pH 9.2. The toluene solution at pH 9.2 contained nearly all the available (S)-reticuline, rendering the aqueous solution spent.

Oripavine can be separated and isolated from a toluene solution containing both thebaine and oripavine by caustic extractions. This procedure was applied to the reticuline process, since reticuline has phenolic properties similar to oripavine. The resultant caustic extract was rich in reticuline and coloured black, but contained significantly reduced levels of impurities.

3. Removal of Coloured Impurities.

Attempts to precipitate a solid directly from the caustic extract by adjusting to pH 9.2 with phosphoric acid did not produce a crystalline solid. The resultant precipitate was a very sticky gum which did not disperse into a slurry. The caustic solution was therefore extracted with toluene at pH 9.2. The caustic solution (now spent of alkaloid) remained black, while the toluene solution of reticuline was almost colourless. This procedure affords an excellent means for the removal of a substantial amount of colour. An acid extraction of this toluene solution gave a relatively clean aqueous concentrate from which reticuline base can be precipitated.

4. Isolation of Extracted Alkaloid mixture

Dilute ammonia (~8.0%w/w) was slowly added to the acidic reticuline solution to adjust the pH to 9.2 while maintaining the ambient temperature at 40°C. The slurry was aged for a few hours at ambient, and isolated by filtration. The cake was washed with two displacement volumes of water, and dried in vacuo at 50°C.

5. Assay Methodology

The HPLC method for analyses of these experiments is shown in Table 1 below. This isocratic method gives good separation between the main reticuline peak and the three major unknown components.

Table 1: HPLC assay method

Mobile phase	27% v/v methanol, in 0.8% triethylamine, to pH 4.3 with H_3PO_4
Flow rate	1.0 mL/min
Wavelength	284 nm
Column	Alltech Altima C18
Retention times	reticuline: 10.1 minutes

Scheme 5 below details the steps of a typical process.

SCHEME 5

Part A: Straw Extraction.

1. Take reticuline straw which is dry, free of seed and ground to a fine powder.
2. Prepare a mixture consisting of 100 grams of ground straw, 1.0 litre of solvent (80% v/v ethanol) and 50 mLs acetic acid. Ensure the pH is in the range 4.3 - 4.8. Agitate at 40°C for 30 minutes.
3. Filter, and put the filtrate (rich miscella) aside.
4. Take the filtered straw and extract with 1.0 litre fresh solvent and 50 mLs acetic acid (pH 4.3 - 4.8) at 40°C for 30 minutes.
5. Filter, and discard the spent straw.
6. Extract a fresh lot of straw (100 g) with the filtrate from step 5, at 40°C for 30 minutes.
7. Filter, and put the filtrate (rich miscella) aside. Extract the filtered straw with 1.0 litre fresh solvent and 50 mLs acetic acid at 40°C for 30 minutes (as in step 40).
8. Repeat steps 5, 6 and 7 to process all the available straw.
9. Combine all the rich miscella and adjust the pH to 6.0-6.2 with ammonia (28% v/v).

Part B: Concentration and Purification

1. Concentrate the rich miscella under vacuum 8 to 10 fold. Do not exceed 60°C.

THE CLAIMS DEFINING THE INVENTION ARE AS FOLLOWS:-

1. A selected stably reproducing *Papaver somniferum* having an expressed, stable heritable trait of a higher (S)-reticuline than morphine content.

2. A stably reproducing *Papaver somniferum* according to claim 1, which upon the harvesting of the poppy capsules will yield a poppy straw having a higher (S)-reticuline than morphine content.

3. A stably reproducing *Papaver somniferum* according to claim 1, which upon the collection and drying of the latex from immature poppy capsules will yield an opium having a higher (S)-reticuline to morphine content.

4. A stably reproducing *Papaver somniferum* according to any one of claims 1 to 3 in which the production or activity of (S)-reticuline oxidase inhibited.

5. A stably reproducing *Papaver somniferum* according to any one of claims 1 to 3 in which the production or activity of dehydroreticuline reductase is inhibited.

6. A stably reproducing *Papaver somniferum* according to any one of claims 1 to 3 in which the production or activity of berberine bridge enzyme (BBE) is inhibited.

7. A stably reproducing *Papaver somniferum* according to any one of claims 1 to 3 in which the production or activity of two or more enzymes selected from the group comprising: (S)-reticuline oxidase, dehydroreticuline reductase or berberine bridge enzyme (BBE) are inhibited.

8. A stably reproducing *Papaver somniferum* according to any one of claims 1 to 7, which will yield a poppy straw having an (S)-reticuline content greater than

1.0%, and more preferably greater than 2.5% upon harvesting of the poppy capsules.

9. A stably reproducing *Papaver somniferum* according to any one of claims 1 to 7, which will yield an opium having an (S)-reticuline content greater than 10%, and more preferably greater than 20% upon collection and drying of the latex from immature poppy capsules.

10. A stably reproducing *Papaver somniferum* according to any one of claims 1 to 9 which upon the harvesting of the poppy capsules will yield a poppy straw, an opium or an extracted alkaloid mixture having an (S)-reticuline to phenanthrene alkaloid ratio of about 100% or greater by weight.

11. A stably reproducing *Papaver somniferum* according to any one of claims 1 to 9 which upon the harvesting of the poppy capsules will yield a poppy straw, an opium or an extracted alkaloid mixture having an (S)-reticuline to phenanthrene alkaloid ratio of about 200% or greater by weight.

12. A stably reproducing *Papaver somniferum* according to any one of claims 1 to 9 which upon the harvesting of the poppy capsules will yield a poppy straw, an opium or an extracted alkaloid mixture having an (S)-reticuline to phenanthrene alkaloid ratio of about 1250% or greater by weight.

13. A stably reproducing *Papaver somniferum* according to any one of claims 1 to 9 which upon the harvesting of the poppy capsules will yield a poppy straw, an opium or an extracted alkaloid mixture having an (S)-reticuline to phenanthrene alkaloid ratio of up to about 2500% by weight.

14. A stably reproducing *Papaver somniferum* according to any one of claims 1 to 9 which upon the harvesting of the poppy capsules will yield a poppy straw, an opium or an extracted alkaloid mixture having substantially no phenanthrene alkaloid content.

15. A seed yielding a stably reproducing *Papaver somniferum* according to any one of the preceding claims.

16. Poppy straw of a stably reproducing *Papaver somniferum* according to any one of claims 1 to 14, the threshed straw having a higher (S)-reticuline than morphine content.

17. Poppy straw according to claim 16, wherein the (S)-reticuline to phenanthrene alkaloid ratio is 100% or greater by weight.

18. Poppy straw according to claim 16, where in the (S)-reticuline to phenanthrene alkaloid ratio is 200% or greater by weight.

19. Poppy straw according to claim 16, wherein the (S)-reticuline to phenanthrene alkaloid ratio is 1250% or greater by weight.

20. Poppy straw according to claim 16, wherein the (S)-reticuline to phenanthrene alkaloid ratio is up to 2500% by weight.

21. Poppy straw according to claim 16, having substantially no phenanthrene alkaloid content.

22. Poppy straw according to any one of claims 16 to 21, having an (S)-reticuline content greater than 1.0%, and more preferably greater than 2.0%.

23. Poppy straw according to claim 22, having an (S)-reticuline content of about 3-4%.

24. Opium of a stably reproducing *Papaver somniferum* according to any one of claims 1 to 14, the opium having a higher (S)-reticuline than morphine content.

25. Opium according to claim 24, wherein the opium has an (S)-reticuline to phenanthrene alkaloid ratio of 100% or greater by weight.

26. Opium according to claim 24, wherein the opium has an (S)-reticuline to phenanthrene alkaloid ratio of 200% or greater by weight.

27. Opium according to claim 24, wherein the opium has an (S)-reticuline to phenanthrene alkaloid ratio of 1250% or greater by weight.

28. Opium according to claim 24, wherein the opium has an (S)-reticuline to phenanthrene alkaloid ratio of up to about 2500% by weight.

29. Opium according to claim 24, having substantially no phenanthrene alkaloid content.

30. Opium according to any one of claims 24 to 29, having an (S)-reticuline content greater than 10%, and more preferably greater than 20%.

31. Extracted alkaloid mixture of a stably reproducing *Papaver somniferum* according to any one of claims 1 to 14, the extracted alkaloid mixture having a higher (S)-reticuline than morphine content.

32. Extracted alkaloid mixture according to claim 31, having an (S)-reticuline to phenanthrene alkaloid ratio of 100% or greater by weight.

33. Extracted alkaloid mixture according to claim 31, have an (S)-reticuline to phenanthrene alkaloid ratio of 200% or greater by weight.

34. Extracted alkaloid mixture according to claim 31, having an (S)-reticuline to phenanthrene alkaloid ratio of 1250% or greater by weight.

35. Extracted alkaloid mixture according to claim 31, having an (S)-reticuline to phenanthrene alkaloid ratio of 2500% or greater by weight.

36. Extracted alkaloid mixture according to claim 31, having substantially no phenanthrene alkaloid content.

37. Extracted alkaloid mixture according to any one of claims claim 31 to 36, having an (S)-reticuline content greater than 30%, and more preferably greater than 60%.

38. A stand of a stably reproducing *Papaver somniferum* according to any one of claims 1 to 14.

39. (S)-reticuline when obtained from a stably reproducing *Papaver somniferum* according to any one of claims 1 to 14, a poppy straw according to any one of claims 16 to 23, an opium according to any one of claims 24 to 30 or extracted alkaloid mixture according to any one of claims 31 to 27.

40. A method from the production of (S)-reticuline which comprises the steps of:

a) harvesting poppy capsules of a selected stably reproducing *Papaver somniferum* having an expressed, stable heritable trait of a higher (S)-reticuline than morphine content, to produce a straw having a higher (S)-reticuline than morphine content; and

b) chemically extracting the (S)-reticuline from the straw.

41. A method for the production of (S)-reticuline which comprises the steps of:

a) collecting and drying the latex of the immature poppy capsules of a selected stably reproducing *Papaver somniferum* having an expressed, stable heritable trait of a higher (S)-reticuline than morphine content, to produce opium that has a higher (S)-reticuline than morphine content; and

b) chemically extracting the (S)-reticuline from the opium.

42. A method according to claim 40, wherein the stably reproducing *Papaver somniferum* yields a poppy straw having an (S)-reticuline content greater than 1.0%, and more preferably greater than 2.0%.

43. A method according to claim 41, wherein the stably reproducing *Papaver somniferum* yields an opium having an (S)-reticuline content greater than 10%, and more preferably greater than 20%.

44. A method according to any one of claims 40 to 43 wherein the stably reproducing *Papaver somniferum* has an (S)-reticuline to phenanthrene alkaloid content of about 100% or greater by weight.

45. (S)-reticuline when obtained by a method according to any one of claims 40 to 44.

46. A method to improve the (S)-reticuline yield of a stably reproducing *Papaver somniferum*, the method comprises the steps of:

a) exposing at least one poppy seed of *Papaver somniferum* to a mutagenising agent,

b) growing the at least one poppy seed to produce a plant bearing a leaf or an immature poppy capsule, optionally through multiple self fertilised generations,

c) sampling the leaf or poppy capsule for the presence of (S)-reticuline, morphine and codeine, and

d) repeating steps a) to c) until a poppy plant of *Papaver somniferum* is obtained having a higher (S)-reticuline than morphine content as an expressed, stable heritable trait.

47. A method according to claim 46, wherein steps a) to c) are repeated until the (S)-reticuline content shows no further increase on mutagenesis.

48. A method for the production of (S)-reticuline which comprises the steps of:

a) harvesting poppy capsules of a selected stably reproducing *Papaver somniferum* having an expressed, stable heritable trait of a higher (S)-reticuline than phenanthrene alkaloid content, to produce a straw having an (S)-reticuline to phenanthrene alkaloid ratio of 100% or greater by weight, and

b) chemically extracting the (S)-reticuline from the straw.

49. A method for the production of (S)-reticuline which comprises the steps of:

a) collecting and drying the latex of the immature poppy capsules of a selected stably reproducing *Papaver somniferum* having an expressed, stable heritable trait of a higher (S)-reticuline than phenanthrene alkaloid content, to produce opium having an (S)-reticuline to phenanthrene alkaloid ratio of 100% or greater by weight, and

b) chemically extracting the (S)-reticuline from the opium.

50. A method to improve the (S)-reticuline yield of a stably reproducing *Papaver somniferum*, the method comprising the steps of:

a) exposing at least one poppy seed of *Papaver somniferum* to a mutagenising agent,

b) growing the at least one poppy seed to produce a plant bearing a leaf or an immature poppy capsule, optionally through multiple self fertilised generations,

c) sampling the leaf or poppy capsule for the presence of (S)-reticuline, morphine and codeine, and

d) repeating steps a) to c) until a poppy plant of *Papaver somniferum* is obtained having an (S)-reticuline to phenanthrene alkaloid ratio of 100% or greater by weight as an expressed, stable heritable trait.

51. Method for purifying reticuline from an aqueous extract of poppy straw comprising the following steps:

(i) mixing said extract with toluene at near neutral pH and separating the aqueous and the non-aqueous phases,

(ii) mixing the aqueous phase from step (ii) with toluene at pH of about 9.0 to about 9.4 and separating the aqueous and the non-aqueous phases,

(iii) extracting reticuline from the non-aqueous phase by caustic extraction.

52. A method according to claim 51, wherein step (i) is repeated before proceeding to step (ii).

53. A method according to claim 51 to claim 52, wherein step (ii) is repeated before proceeding to steep (iii).

54. A method according to any one of claims 51 to 53, wherein pH in step (i) is about 6.8.

55. A method according to any one of claims 51 to 54, wherein pH in step (ii) is about 9.3.

56. A method according to any one of claims 51 to 55, further comprising

(iv) mixing the caustic extract of step (iii) with toluene at pH of about 8.5 to about 9.5 and separating the aqueous and the non-aqueous phases,

(v) mixing the non-aqueous phase from (iv) with water at acidic pH, and separating the aqueous and the non-aqueous phases,

(vi) adding alkali to aqueous phase at ambient temperature, ageing for a time sufficient to induce formation of a precipitate and collecting precipitate containing reticuline.

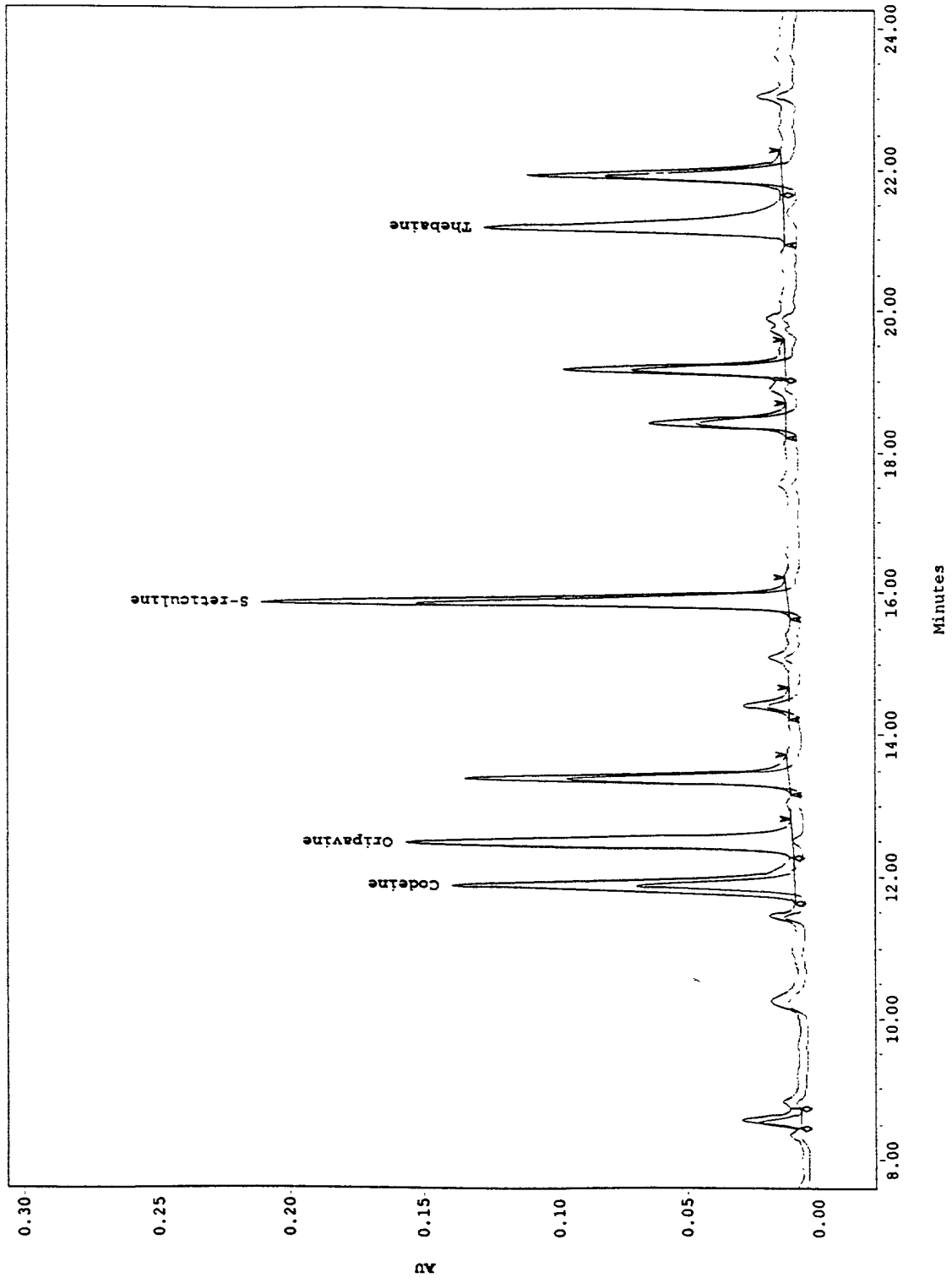
57. A method according to claim 56, wherein steps (iv) and/or (v) are repeated.

58. A method according to claim 56 or claim 57, wherein pH in step (iv) is about 9.3.

59. A method according to any one of claims 56 to 58, wherein pH in step (v) is about 4.5.

60. A method according to any one of claims 56 to 59, wherein alkali is added to achieve a pH of about 9.3.

61. (S)-reticuline obtained by a method according to any one of claims 51 to 60.


Thebaine
5-reticuline
Oripavine
Codeine
AU
0.30
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0.20
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0.00
8.00
10.00
12.00
14.00
16.00
18.00
20.00
22.00
24.00
Minutes

09/600500

DOCKET NO. J&J-1788

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled IMPROVED PRODUCTION OF RETICULINE, the specification of which

(check one) ☒ is attached hereto.

☐ was filed on _____ as

Application Serial No. _____

and was amended on _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, ¤119 (a)-(d) or ¤365(b) of any foreign application(s) for patent or inventor's certificate, or ¤365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Country	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. 119
AU	PP 1321	14 January 1998	☒ YES ☐ NO
	PCT/AU99/00029	14 January 1999	☒ YES ☐ NO

I hereby claim the benefit under Title 35, United States Code, ¤119(e) of any United States provisional application(s) listed below:

(Application Number) (Filing Date)

(Application Number) (Filing Date)

I hereby claim the benefit under Title 35, United States Code, ¤120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, ¤112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, ¤1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No Filing Date Status

Application Serial No Filing Date Status

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith as well as to file equivalent patent applications in countries foreign to the United States including the filing of international patent applications in accordance with the Patent Cooperation Treaty: Audley A. Ciamporcero, Jr. (Reg. #26,051), Steven P. Berman (Reg. #24,772), Andrea L. Colby (Reg. #30,194), Michael Stark (Reg. #32,495), and John W. Harbour (Reg. #31,365) One Johnson & Johnson Plaza, New Brunswick, NJ 08933.

Prior Foreign Application(s):

Country	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. 119
AU	PP 1321	14 January 1998	☒ YES ☐ NO
	PCT/AU99/00029	14 January 1999	☒ YES ☐ NO

I hereby claim the benefit under Title 35, United States Code, ¤119(e) of any United States provisional application(s) listed below:

(Application Number) (Filing Date)

(Application Number) (Filing Date)

I hereby claim the benefit under Title 35, United States Code, ¤120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, ¤112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, ¤1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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Full Name of Fifth Joint Inventor, If Any: Timothy Samuel Bailey

Date: ____________________

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Address all correspondence to Audley A. Ciamporcero, Jr., One Johnson & Johnson Plaza, New Brunswick, NJ 08933-7003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Date: _____

Citizenship: AU
Residence: 56 Outram Street, Summerhill, Tasmania 7250, Australia
Post Office Address: Same as the above

09/600508

DOCKET NO. J & J-1763

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled IMPROVED PRODUCTION OF RETICULINE, the specification of which

(check one) ☒ is attached hereto.

☐ was filed on _____ as

Application Serial No. _____

and was amended on _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

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Inventor's Signature:
Full Name of Fifth Joint Inventor, If Any Timothy Samuel Bailey

Date: 22/8/00

Citizenship: AU
Residence: Lot 122 Five Acre Row, Westbury, Tasmania 7303, Australia AUX
Post Office Address: Same as the above

(Supply similar information and signature for fourth and subsequent joint inventors.)